



**WESLACO CITY COMMISSION  
REGULAR MEETING  
JANUARY 18, 2011**

On this 18<sup>th</sup> day of January 2011 at 6:00 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Rene Rodriguez, Jr.
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Francisco Castellanos, Human Resources Director; Arnold Becho, Library Director; Rolando Gonzalez, Interim Planning & Code Enforcement Director; Capt. Raul Vallejo, and several other staff members and citizens.

**IX. CALL TO ORDER**

Y. Roll Call/Establish a Quorum.

Mayor Wise called the meeting to order. Elizabeth Walker, City Secretary, called the roll; a quorum was established.

Z. Certification of Public Notice.

Mayor Wise certified the public notice of the meeting as properly posted Thursday, December 30, 2010.

AA. Invocation.

Pastor Kevin Walkowiak with Seventh Day Adventist Church gave the invocation.

BB. Pledge of Allegiance.

Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

CC. Mayoral Proclamations.

Minutes of Regular City Commission Meeting  
January 4, 2011



Page 315 of 327

The Mayor recognized Amber Ariel Guillen who was crowned Miss RGV Cinderella Teen on December 11, 2010.

## **II. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of January 4, 2011. Attachment.
- B. Approval of a one (1) year lease agreement with Amigos Del Valle, Inc. for use of the Weslaco Service Center, 1200 East 6<sup>th</sup> Street, beginning October 1, 2010 and ending September 30, 2011 with the same rates, terms, and conditions as previous lease agreements. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve all items of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

## **III. PUBLIC HEARING**

- A. To solicit input on a budget and program amendment for the remaining Community Development Block Grant (CDBG) funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate for the Weslaco Water Treatment Plant Project.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Manager explained this proposed activity allows the City to dedicate unexpended funds previously allocated by the Community Development Block Grant program. Specifically, Filemon Olvera with CH2MHill-OMI, the water plant operator, explained this will allow the City to expand filtering capacity so that water will not need to be discharged and wasted, odor will be alleviated, and water quality will be improved. Following questions from the Mayor, Mr. Olvera stated that this is not an issue of monitoring, but of capacity.

Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

## **IV. OLD BUSINESS**

- G. Discussion and reconsideration of the request to deannex Vaquero Estates, being an 85.76-acres tract of land out of Farm Tract 1067 and 1070, West and Adams Tracts Subdivision, Hidalgo County, Texas, located at F.M. 1015 and Mile 10 ¼ North and authorize the Mayor to execute all necessary documents. Possible action. (Commission voted to deny this request on December 21, 2010.) Attachment.

The City Manager explained the developer wishes to move the former outlet mall project forward as residential, with limited commercial; disannexation would allow him to develop with septic in compliance with the model subdivision rules. Speaking on behalf of the developer, Alfonso Quintanilla stated that the City will retain FM 105 as right-of-way in the disannexation. The City Attorney assured that other questions or concerns of the Commission may be addressed when the subdivision plat is filed; an ordinance will be required should the Commission approve disannexation.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the request to disannex Vaquero Estates, being an 85.76-acres tract of land out of Farm Tract 1067 and 1070, West and Adams Tracts Subdivision, Hidalgo County, Texas, located at F.M. 1015 and Mile 10 ¼ North and authorize the Mayor to execute all necessary documents. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Tafolla, seconded by Commissioner Rodriguez, moved to take items V. I. and V. J. from their posted sequence to consider immediately. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve a joint project with Hidalgo County Precinct 1 for street improvements to Mile 9 North between Westgate Drive and Border Avenue and authorize the City Attorney to prepare an Interlocal Agreement. Possible action.

Hidalgo County Precinct One Commissioner Joel Quintanilla stated he is ready to enter into an interlocal agreement by which the City would provide the materials, at a cost estimated at \$18,000.00, and the county would provide the labor to collaborate on said street improvements. Commissioner Tafolla moved to enter into negotiations within the next two weeks toward an interlocal agreement with Hidalgo County Precinct 1 for street improvements to Mile 9 North between Westgate Drive and Border Avenue; Mayor Pro-Tem Cuellar seconded the motion with the condition that it is economically feasible for the City. The motion carried unanimously as amended; Mayor Wise was present, but not voting.

- J. Discussion and consideration to approve a joint project with Hidalgo County Precinct 1 for street improvements at the intersection of Mile 10 North and Mile 5½ West and authorize the City Attorney to prepare an Interlocal Agreement. Possible action.

Commissioner Tafolla, seconded by Commissioner Garza, moved to enter into negotiations within the next two weeks toward an interlocal agreement with Hidalgo County Precinct 1 for street improvements at the intersection of Mile 10 North and Mile 5½ West so long as it is economically feasible for the City. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve a budget amendment of intra and inter departmental transfers for the Fiscal Year 2010-2011 Municipal Budget. Possible action. (There was no action on this item at the January 4, 2011 meeting.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve a budget amendment of intra and inter departmental transfers for the Fiscal Year 2010-2011 Municipal Budget as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to nominate a member of the Weslaco community to the Rio Grande Valley Walk of Fame as part of BorderFest 2011 and authorize the Commission to sign the submittal form as nominators. Possible action. (There was no action on this item at the January 4, 2011 meeting.) Attachment.

Though he said there are so many to recognize, Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to nominate Robert McAllen to the Rio Grande Valley Walk of Fame as part of BorderFest 2011 and authorize the Commission to sign the submittal form as nominators. The motion carried unanimously; Mayor Wise was present, but not voting.

## **V. NEW BUSINESS**

- A. Discussion and consideration to authorize after public hearing a budget and program amendment for the remaining Community Development Block Grant (CDBG) funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate for the Weslaco Water Treatment Plant Project and authorize the Mayor to execute all necessary documents. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Rivera, moved to authorize after public hearing a budget and program amendment for the remaining Community Development Block Grant (CDBG) funds from Fiscal Years 2006-2008 in the amount of \$236,802.47 to reallocate for the Weslaco Water Treatment Plant Project and authorize the Mayor to execute all necessary documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the proposed Annual Work Plan for the City of Weslaco under Hidalgo County Urban County Program Funding Allocation, approve Resolution No. 2011-02 for Year 24 (2011) to accept the allocation of approximately \$369,703.00, authorize the Mayor to execute all necessary documents including a letter of commitment and/or confirmation for City funding for expenses not covered under Urban County Program. Possible action. Attachment.

There was no action on this item.

- C. Discussion and consideration to approve the Interlocal Cooperation Agreement between the City of Weslaco, Weslaco Public Library, and the Hidalgo County Library System, authorize the Mayor to execute any related documents, and authorize a budget amendment as needed upon award. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the Interlocal Cooperation Agreement between the City of Weslaco, Weslaco Public Library, and the Hidalgo County Library System, authorize the Mayor to execute any related documents, and

authorize a budget amendment as needed upon award. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve a lease agreement between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and Epic Aviation, LLC d.b.a. Air BP Aviation Services for the replacement of Jet A refueler truck at a rate of \$1,305.00 per month as budgeted and authorize the Mayor to execute any related documents including an acknowledgement that Bank of America Leasing and Capital, LLC is financing Epic Aviation's refueler fleet. Possible action. Attachment.

There was no action on this item.

- E. Discussion and consideration to prepare a proposed scope of services for capital improvements at the Mid-Valley Airport and authorize the Mayor to execute the requisite letter of interest pledging 10% local match to the Texas Department of Transportation for the Aviation Facilities Development Grant. Possible action. Attachment.

The City Manager stated this would help to update the master plan at the airport developed ten years ago. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to prepare a proposed scope of services for capital improvements at the Mid-Valley Airport and authorize the Mayor to execute the requisite letter of interest pledging 10% local match to the Texas Department of Transportation for the Aviation Facilities Development Grant. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve Professional Services Agreement with Bickerstaff, Heath, Delgado, Acosta, LLP for professional services in connection with the 2011 redistricting obligation for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this is the firm that assisted the City in establishing single member districts. Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve Professional Services Agreement with Bickerstaff, Heath, Delgado, Acosta, LLP for professional services in connection with the 2011 redistricting obligation for the City of Weslaco and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to review the Request for Qualifications 2010-11-1 Proposals, to select the best qualified and most advantageous proposal for engineer services to prepare a Preliminary Engineering Report on the Weslaco Water Treatment Plant Project, and authorize the City Manager and City Attorney to negotiate a new professional services agreement. Possible action. Attachment.

Following a question from Commissioner Rodriguez, the City Manager clarified this Preliminary Engineering Report is different than that completed in August 2009 since this will determine the need for a "bandaid solution" or an entirely new plant. Commissioner Rivera, seconded by Commissioner Tafolla, moved to authorize the City Manager and City Attorney to

negotiate a new professional services agreement with CDM as the top-ranked proposal for engineer services to prepare a Preliminary Engineering Report on the Weslaco Water Treatment Plant Project. The motion carried unanimously; Mayor Wise was present, but not voting.

H. Discussion and consideration on the permanent closure of East Sugarcane Drive between North Paseo del Norte and Joe Stephens Avenue. Possible action.

Commissioner Tafolla requested that the City explore the cost to re-route traffic from East Sugarcane Drive; the City Attorney stated an ordinance will be required. Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the permanent closure of East Sugarcane Drive between North Paseo del Norte and Joe Stephens Avenue. The motion carried unanimously; Mayor Wise was present, but not voting.

K. Discussion and consideration to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$75,000.00 for the period October 1, 2010 through September 30, 2011, authorize the Mayor to execute any related documents, and authorize a budget amendment as needed upon implementation. Possible action. Attachment.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$75,000.00 for the period October 1, 2010 through September 30, 2011, authorize the Mayor to execute any related documents, and authorize a budget amendment as needed upon implementation. The motion carried unanimously; Mayor Wise was present, but not voting.

L. Discussion and consideration to enter into a Memorandum of Understanding (MOU) with the Economic Development Corporation of Weslaco (EDC) to jointly pay the Sponsor's Share of the Texas Department of Transportation (TxDOT) Project No. AP WESLACO 5, TxDOT CSJ No. 1121WESLA Airport Expansion Project on an equal basis. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Rivera, moved to enter into a Memorandum of Understanding (MOU) with the Economic Development Corporation of Weslaco (EDC) to jointly pay the Sponsor's Share of the Texas Department of Transportation (TxDOT) Project No. AP WESLACO 5, TxDOT CSJ No. 1121WESLA Airport Expansion Project on an equal basis. The motion carried unanimously; Mayor Wise was present, but not voting.

M. Discussion and consideration to approve the request from the Weslaco Area Chamber of Commerce to hold the 22<sup>nd</sup> Annual Texas Onion Fest on Saturday, March 26, 2011 at the Weslaco City Park on Airport Drive, to sell beer on that day, to place a banner promoting the event at the intersection of Texas and Pike

Boulevards for two weeks prior to the event, to authorize assistance from the City of Weslaco's Parks & Recreation, Police, Fire and EMS Departments, and to waive all fees and ordinances associated with the event. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the request from the Weslaco Area Chamber of Commerce to hold the 22<sup>nd</sup> Annual Texas Onion Fest on Saturday, March 26, 2011 at the Weslaco City Park on Airport Drive, to sell beer on that day, to place a banner promoting the event at the intersection of Texas and Pike Boulevards for two weeks prior to the event, to authorize assistance from the City of Weslaco's Parks & Recreation, Police, Fire and EMS Departments, and to waive all fees and ordinances associated with the event. The motion carried unanimously; Mayor Wise was present, but not voting.

N. Status reports:

4. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell reported on recent coverage by two British bird reporters, the upcoming legislators' visit, and Onionfest. She stated that concerns surrounding safety in Progreso appears to have little effect on Winter Texan visitors.

5. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

Mr. Gonzalez reported on progress at Academy, Aisla/Coat, Trinity Engineering, the Federal Inspection Facility, façade improvements at Sevilla Café, de la Garza dentistry, a second Lone Star National Bank, and Costa Messa restaurant. Sales tax revenues are 13% better than last year.

## **VI. CITY MANAGER'S REPORT**

- K. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.

The Report was distributed as an attachment at the meeting.

- L. Update on Westgate Drive Improvement Project by a Texas Department of Transportation (TxDOT) Representative.

Mr. Valente Gonzalez with the Texas Department of Transportation stated that Ballenger Construction will hold a pre-construction meeting on January 28 at 10 a.m. at the San Benito TxDOT office. The project was let in December; it is at 197-working day project, set to start mid-February with the east side of the road. The project includes pothole repair so that traffic may continue safely during construction.

- M. Weslaco Housing Authority Annual Report for Fiscal Year Ending September 30, 2010 submitted as per Texas Local Government Code §392.062B. Attachment.

The City Manager stated that no action was required on this report; he simply wished to disclose to the Commission and the public that it had been filed.

- N. Elections Update. Attachment.

The City Secretary stated that a petition had been served and the County had validated that it met the minimum one-percent requirement in order to compel the City to contract its election with the Hidalgo County Elections Department. A contract will be presented to the Commission for consideration.

## **VII. PUBLIC COMMENTS**

Mr. Carlos Guerra of 1205 W. Fourth Street expressed concerns that the City supposedly spent \$100,000.00 on a Preliminary Engineering Report last year and inquired why the City needed to spend it again; he questioned if a man from Louisiana had left town without finishing contracted work at the airport; and he requested that public comments be moved back to the start of the meeting so that the commission may respond during action items.

Mr. Richard Vaughan of 105 Chaparral requested a financial report at least once a month; he asked if the City is hiring new employees; and he requested the agenda appear on the overhead.

Mr. Richard Lehman of 1003 South Missouri expressed concern about trash throughout the City; though it is not the fault of the City, it affects how we draw business.

## **XI. EXECUTIVE SESSION**

At 8:01 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:31 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

## **IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- M. Pending Litigation – Discussion with City Attorney regarding Case No. 7:10-CV-00050, *Anne-Marie Mata v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- N. Pending Litigation – Discussion with City Attorney regarding CL-10-4248-A, *T&T Investments, Raquel Trejo & Roberto Trejo, Plaintiffs v. Falcon International Bank, The City of Weslaco, & Rio Delta Engineering, Defendants* pursuant to §551.071 of the Texas Government Code.

Commissioner Rodriguez, seconded by Commissioner Martinez, moved to authorize the City Attorney to file an answer on behalf of the City in CL-10-4248-A, *T&T Investments, Raquel Trejo & Roberto Trejo, Plaintiffs v. Falcon International Bank, The City of Weslaco, & Rio*

*Delta Engineering, Defendants.* The motion carried unanimously; Mayor Wise was present, but not voting.

- O. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- P. Personnel – Discussion with the City Attorney and City Manager regarding separation of employment agreements for current municipal employees as authorized by §551.071 and §551.074 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to direct the City Manager and City Attorney to proceed with negotiating and drafting separation of employment agreements for current City of Weslaco employees as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

- Q. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 of The Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the Commission, at 8:33 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the January 18, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Rene Rodriguez, Jr.

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**COMMISSIONER**, Gerardo “Gerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez